I.S.N. 2315

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1948.

File No. Destructive Insects and Pests II/48.

Legal **DEPARTMENT**

B **BRANCH**

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Subject:-

Rules and Notifications

under the Destructive Insects

and Pests Act; 1914.

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8-8.

File No. Destructive Insects and Pests II/48

Std. Sectt. Slip 24 B e.

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MI.
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50 dated 10-8-'50.

Notification.

Agriculture and Rural Development Department,
Bombay Castle, October 1948.

Destructive Insects and Pests Act, 1914.

No - In exercise of the powers conferred by Section 5 of the Destructive Insects and Pests Act, 1914 (II of 1914), the Government of Bombay is placed to make the following rules, namely:-

1. Short title and extent. (1) These rules may be called the Bombay Infected Articles (Detention, Inspection Disinfection andDestruction) Rules, 1948;

(2) These rules shall apply to the Port of Bombay.

2. Definitions. In these rules, unless there is anything repugnant in the subject or context,-

(a) "Act" means the Destructive Insects and Pests Act 1914;

(b) 'Infected article' means any article in respect of which a notification has been issued by the Central Govt. under section 3 or 4A of the Act or any article which may have been in contact or proximity thereto.

3. Power of detention, inspection, disinfection and distruction:- The Collector of Customs, Bombay, or any other officer authorised by him in this behalf, may-

(i) seize and detain any article which he believes to be an infected article;

(ii) seize anddetain for purposes of inspection any package suspected by him to contain infected article and require such package to be unpacked;

(iii) take steps for disinfection if the infected article is susceptible of being disinfected;

(iv) destroy any infected article which in his opinion cannot be disinfected: provided that such destruction shall not be carried out except in the presence of a gazetted officer.

4. Penalty.

(1) No person shall deal with or remove or dispose of an infected article or article suspected to be an

infected article otherwise than in accordance with a direction of the Collector of Customs or any other officer authorized by him in that behalf.

(2) Any person who contravenes the provisions of sub-rule (1) shall, on conviction, be punished with fine which may extend to one thousand rupees.

By order of the Governor of Bombay.

Secretary to Government.

MM

5C dated 18-6-'56-

Legal Department

Revised draft rules are sent herewith.

2. Sub-section (1) of section 5 of the Destruction insects and pests Act, 1914 (II of 1914), empowers the Provincial Government to make rules for the detention, inspection, disinfection or destruction of any insect or class of insects or of any article or class of articles in respect of which a notification has been issued under section 3 or section 4A or of any article which may have been in contact or proximity thereto, and for regulating the powers and duties of the officers whom it may appoint in this behalf. The main rule proposed by th Government of India (p. 79 ante) deals with the disinfection or destruction of infected articles - not with insects. The short title has therefore been suitably amended.

3. The definition of "authorised officer" is not necessary. The proposed rules will apply only to the port of Bombay and the officer will be the Collector of Customs.

4. Revised draft rule 4:- Sub-section (2) of section 5 of the Act provides that in making any rules under that section the Provincial Government may direct that a breach thereof shall be punishable with fine which may extend to one thousandrupees. Draft rule 4 provides accordingly.

Id. J.R.D. 15/10

Additional Secretary to Government.

U.O. to A & H.D.D., No. 9677 dated the 16th October 1948
Submitted for signature.

MM

dated 18-8-'50.

Rules for fumigation and destruction of infested plants rader- imported at Bombay.

Government of Bombay,
Agriculture and Rural
Development Department,
Resolution No. 431/II.
Bombay Castle, 5th November 1948.

Letter No. F.7-16/46 PP.,Sg., dated the 7th May, 1948, from the Government of India, Ministry of Agriculture:-

"I am directed to refer to the late Department of Agriculture circular letter No. F.4-5/47-PP(Crops), dated the 22nd April, 1947, and to the discussion between Mr Mehta and the undersigned at Bombay on the 23rd April, 1948, on the subject mentioned above.

"The Government of India have had under consideration the question of destroying all consignments of plants imported into India in contravention of the rules framed under the Destructive Insects and Pests Act, 1914. They are advised that this can be done by appointing the Collector of Customs as the competent authority for this purpose. Since a Provincial Government alone is empowered under Section5 of the Act to make rules inter alia for destruction of any insect or class of insects or any article or class of articles, action on those lines has to be taken by it. It has been decided to make a start with Bombay. The Collector of Customs, Bombay, and the Central Board of Revenue have concurred in the proposal. I am now to enclose a copy of draft rules on the subject and to request that, if there be no objection, these may kindly be issued, according to law, by the Provincial Government at an early date and this Ministry informed of the action taken. I am to request further that 50 spare copies of the rules may kindly be sent to this Ministry after issue."

Letter No. Res/9-116/3807, dated the 11th June, 1948 from the Director of Agriculture, Bombay Province, Poona:-

"Reference Government Endorsement No.431/16696-Ma dated the 19th May, 1948.

"The draft rules are in order and may be issued."

Government-reference to the Remembrancer of Legal Affairs, No.431/II, dated the 2nd August, 1948.

Memorandum from the Remembrancer of Legal Affairs, No. 9677, dated the 16th October, 1948.

Resolution:- Government approves the proposal to issue rules under Section5 of the Destructive Insects and Pests Act, 1914 for fumigation anddestruction of infested plants imported at Bombay.

Typed as an accompaniment to this Resolution.

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2. The requisite notification should be published in the Bombay Government Gazette.

By order of the Governor of Bombay

D.N.Mehta,

Secretary to Government.

G.R., No 431/II, A & R.D.D., dated the 5th November, 1948.

To,

*The Director of Agriculture,

*The Collector of Customs, Bombay,

*The Legal Department,

*The Political and Services Department,

*The Government of India (By Letter.)

with a copy of notification.

Copy forwarded for information and guidance to

R.T.No. 15137/18/11/48

Submitted A new file is opened herewith

File is Destructive (Inwards and Post 11)

MM

Dated 18-8-'50. 50

...anment to Government Resolution, Agriculture and Rural Development Department, No.431/II, dated the 5th November,1948-

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DRAFT RULES.

In exercise of the power conferred by section 5 of the Destructive Insects and Pests Act, 1914(II of 1914) Provincial Government is pleased to make the following rules:

1. (i) These rules will be called the Destructive Insects and Pests (Detention,disinfection and destruction at port) rules, 1948;

(ii) These rules apply to the Port of Bombay.

2. In these rules, unless there is anything repugnant to the subject or context.

(a) 'authorised officer' means for the port of Bombay, Collector of Customs, Bombay, or anyother officer authorised by him in his behalf;

(b) 'Act' means Destructive Insects Pests Act, 1914.

(c) 'infected article' means any article in respect of which a notification is issued under section 3 or under section4A of the Act or any article which may have been in contact or proximity thereto.

3. The authorised officer may.

(i) detain and inspect any package suspected by him to contain, infected article and require such package to be unpacked,

(ii) seize and detain any article which he believes to be an infected or infe;

(iii) If the infected article is susceptible of being desinfected take steps for such disinfection;

(iv) Destroy any infected article which in his opinion cannot be disinfected provided such destruction shall not be carried out except in the presence of a gazetted officer.

AGRICULTURE AND RURAL DEVELOPMENT DEPARTMENT
Bombay Castle, 5th November 1948.

DESTRUCTIVE INSECTS AND PESTS ACT, 1914.

No. 431-II - In exercise of the powers conferred by section 5 of the Destructive Insects and Pests Act, 1914 (II of 1914) the Govt-ment of Bombay is pleased to make the following rules, namely:-

Short title and extent:-(1) These rules may be called Bombay Infected Articles (Detention, Inspection, Disinfection and Destruction Rules, 1948,

(2) These rules shall apply to the Port of Bombay.

2. Definitions- In these rules, unless there is anything repugnant in the subject or context-

(a) "Act" means the Destructive Insects and Pests Act, 1914;

(b) "Infected article" means any article in respect of which a notification has been issued by the Central Government under section 3 or 4A of the Act or any article which may have been in contact or proximity thereto.

3. Power of detention, inspection, disinfection and destruction.- The Collector of Customs, Bombay, or any other officer authorized by him in this behalf, may-

(i) seize and detain any article which he believes to be an infected article;

(ii) seize and detain for purposes of inspection of any package suspected by him to contain infected article and require such package to be unpacked;

(iii) Take steps for disinfection if the infected is susceptible of being disinfected;

~~(iii)~~ (iv) destroy any infected article which in his opinion cannot be disinfected; provided that such destruction shall not be carried on except in the presence of a Gazetted Officer.

4 Penalty:- (1) No person shall deal with or remove or dispose of any infected article or article suspected to be an infected article otherwise than in accordance with a direction of the Collector of Customs or any other officer authorized by him in that behalf.

(2) Any person who contravenes the provisions of sub-rule(1) shall on conviction, be punished with fine which may extend to ~~one~~ Rs. 1000.

Contd. (9)

By order of the Governor of Bombay,

D.N.MEHTA,

Secretary to Government.